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MORTEZA AMIRI

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Case No. 23-cr-00269 JSW

Plaintiff,

**DEFENDANT MORTEZA AMIRI'S
MOTION IN LIMINE NO. 2 TO
EXCLUDE UNFAIRLY PREJUDICIAL
LANGUAGE**

MORTEZA AMIRI,

Judge: Hon. Jeffrey S. White
Date: February 10, 2025
Time: 2:00 p.m.

Defendants.

Pretrial Conference Date: February 10, 2025
Trial Date: March 3, 2025

Defendant, MORTEZA AMIRI, by and through his attorneys of record, submits the following Motion in Limine No. 2 and respectfully requests the Court to exclude the oral and written co-conspirator statements and/or party admissions that include particularly inflammatory and prejudicial language as it relates to Mr. Amiri.

I. INTRODUCTION

Exhibits 101, 212, 217, 218, 219, 901, 902, 903, 904, 923, 924, 925, and 932, on the government's Exhibit List are the same and is a 488-page document that includes a series of text messages received and/or sent by defendant Morteza Amiri. The government alleges that these texts

1 represent co-conspirator statements and/or party admissions. A number of those messages include
2 particularly inflammatory and prejudicial language and Mr. Amiri proposes those messages, or more
3 specifically, words within those messages be redacted from the Exhibit. Mr. Amiri also requests this
4 Court to preclude opposing counsel, witnesses, and parties from using inflammatory and prejudicial
5 language during trial. Such language, including but not limited to, derogatory terms related to race or
6 sexual orientation, have no legitimate evidentiary value, serves no purpose other than to inflame the
7 jury, and creates an undue risk of prejudice.
8

9 **II. LEGAL STANDARD**

10 Under the Federal Rules of Evidence, only relevant evidence is admissible. (Fed. R. Evid. 401.) Relevant evidence is evidence that “has any tendency to make a fact more or less probable than
11 it would be without the evidence” and that “the fact is of consequence in determining the action.” (Fed. R. Evid. 401.) Evidence that creates an undue risk of prejudice, confusion, or misleading the
12 jury is subject to exclusion. (Fed. R. Evid. 403.)

13 **III. ARGUMENT**

14 Evidence may be excluded if its probative value is substantially outweighed by the risk of
15 unfair prejudice, confusion, or misleading the jury. Derogatory terms related to race or sexual
16 orientation are particularly problematic because they often carry inflammatory connotations that can
17 unfairly bias jurors against a party. Even if such terms have little or no relevance to the case’s central
18 issues, they can provoke strong emotional reactions, diverting jurors’ attention from the evidence and
19 leading to decisions based on emotion rather than fact.
20

21 Such language can unconsciously activate jurors’ implicit biases, potentially influencing how
22 they assess evidence or the credibility of witnesses. This undermines the defendant’s—or any
23 party’s—right to a fair trial. When jurors are exposed to derogatory language, they may
24 overemphasize the character or perceived morality of the individual associated with it, rather than
25

1 focusing on their actions or the relevant legal questions. Racialized or prejudicial language may
 2 skew jurors' perceptions of credibility, intent, or character, distorting their evaluation of evidence
 3 and compromising their ability to deliver an impartial verdict.

4 The government may argue that the text messages in question are relevant under Rule 401 to
 5 establish material issues such as motive, intent, or state of mind. However, the individuals identified
 6 as victims in Counts Two through Five of the Indictment are not of the same race, which amplifies
 7 the risks of bias, confusion, and misdirection. The presence of victims from diverse racial
 8 backgrounds makes it essential to prevent jurors from forming racially biased assumptions about the
 9 defendant's actions, motives, or character.

10 To protect the defendant's Sixth Amendment right to a fair trial, inflammatory racial
 11 language should be excluded. Even if such language has some relevance, the same point can
 12 typically be conveyed using less prejudicial evidence. Relevant aspects of the defendant's state of
 13 mind, motive, or intent can be demonstrated without resorting to racially or sexually charged
 14 language, thereby avoiding unnecessary prejudice and ensuring the jury remains focused on the facts
 15 and legal issues at hand.

16
 17 Dated: January 15, 2025

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 19 Respectfully Submitted,

20
 21 **GOYETTE, RUANO & THOMPSON, INC.**
 22 **A Professional Corporation**

23
 24 By: _____
 25 JANELLE F. CRANDELL
 26 Attorney for Defendant,
 27 MORTEZA AMIRI